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Miss. Code Ann. § 63-1-208

Copy Citation

Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through July 1, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Mississippi Code 1972 Annotated > Title 63. Motor Vehicles and Traffic Regulations (Chs. 1 — 39) > Chapter 1. Driver's License (Arts. 1 — 7) > Article 5. Commercial Driver's License Act. (§§ 63-1-201 — 63-1-226)

§ 63-1-208. Commercial driver's license qualification standards.

(1) Except as otherwise provided, the commissioner shall not issue a commercial driver's license and commercial learner's permit to any person under the age of twenty-one (21) years.

(2) No person may be issued a commercial driver's license unless that person is domiciled in this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR, Part 383, subparts F, G and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.

(3)

(a) Any person who has been certified to provide commercial driver's license testing by the International Driver Examiner Certification (IDEC) program administered by the American Association of Motor Vehicle Administrators (AAMVA) shall, for purposes of this section, be defined as a certified third party examiner (CTPE). In addition, the commissioner shall authorize any person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the knowledge and skills test specified by this section, provided:

- (i) The test is the same as would otherwise be administered by the state; and
- (ii) Either:
  - 1. The third party has entered into an agreement with this state which complies with requirements of 49 CFR, Part 383.75; or
  - 2. The third party is a CTPE as defined in this subsection. The CTPE shall not be a direct employee of a trucking company.
- (b) A CTPE performing testing under this section shall not be liable for any claim sounding in tort arising out of such testing.

(4)

- (a) The following tests may be waived as provided in this subsection (4):
  - (i) Knowledge test;
  - (ii) Driving skills test;
  - (iii) Passenger endorsement test;
  - (iv) Tank vehicle endorsement test; and
  - (v) Hazardous materials test.
- (b) The commissioner, by rules adopted pursuant to the Mississippi Administrative Procedures Law, shall provide for a waiver of the tests specified in this section and entry level driver training for a commercial driver's license applicant who meets the requirements of 49 CFR, Part 383.77;
- (c) The rules may establish deadlines by which applicants must claim entitlement and qualification to test waivers and may provide for the scheduling of group knowledge testing;
- (d) The commissioner shall adopt rules and regulations to carry out the provisions of this subsection (4) as soon as practicable after July 1, 2022, but in any case no later than July 1, 2023.

(5) A commercial learner's permit shall be issued as follows:

- (a) A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made;
- (b) The commercial learner's permit shall be issued for a period of one (1) year for the fee prescribed in Section 63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(6) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state. A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.

(7) A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state.

(8) Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided:

- (a) The driver is physically examined every year, including an examination by a treating clinician attesting to the fact that the driver is:
  - (i) Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);
  - (ii) Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and
  - (iii) Not likely to suffer any diminution in driving ability due to the person's diabetic condition.
- (b) The driver agrees to and complies with the following conditions:
  - (i) A source of rapidly absorbable glucose shall be carried at all times while driving;
  - (ii) Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;
  - (iii) Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;
  - (iv) Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and
  - (v) Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.
- (c) The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.
- (d) For purposes of this section, "treating clinician" means a healthcare professional who manages and prescribes insulin for the treatment of the individual's diabetes mellitus.

(9) The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section 63-1-43.

History

Laws, 2009, ch. 560, § 8; Laws, 2014, ch. 424, § 16; Laws, 2017, ch. 353, § 1, eff from and after July 1, 2017; Laws, 2020, ch. 477, § 8, eff from and after passage (approved July 8, 2020); Laws, 2022, ch. 324, § 1, eff from and after July 1, 2022.

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